

REMARKS/ARGUMENTS

Claims 1-11 and 13-21 are pending in this application. Claims 21, 26, and 32 have been amended. Claims 34-46 are newly added. The amendments are supported in at least pp. 6-7, bridging ¶; p. 10, lines 3-20; and p. 33, lines 10-11 of the specification as filed.

No new matter has been added as a result of these amendments.

35 U.S.C. §112 Rejections

Claims 1-5, 7, 9-11 are rejected as allegedly indefinite. While Applicants disagree that the claims are indefinite, the claims are amended to expedite prosecution.

A claim is not indefinite unless “the language of the claim is such that a person of ordinary skill in the art could not interpret the metes and bounds of the claim so as to understand how to avoid infringement.”¹

1. The terms “interarylene” and “heterointerarylene” are defined in the specification. For example, the last paragraph of p. 9 states that “[i]nterarylene and heterointerarylene refers to an aryl ring or ring system or a heteroaryl ring or ring system which connects two other parts of the molecule, i.e. the two parts of the molecule are bonded to the ring in two distinct ring positions. Interarylene and heterointerarylene may be substituted or unsubstituted.” For example, the group “Ar” of some embodiments of “A” connects two parts of the claimed compounds by attaching to $-(CH_2)_m-$ and $-(CH_2)_o-$. The Ar would be the same as a corresponding ring such as phenyl, furyl, thienyl, etc., and would connect the rest of the molecule at two positions. It could have substituents or hydrogens in the positions that are not connected to the remainder of the molecule. Additional examples of interarylene and heterointerarylene are depicted on p. 11, where Y is attached to the aromatic or heteraromatic ring. Based upon at least this disclosure, a person of ordinary skill could readily determine if a particular part of a claimed compound was an

interarylene or a heterointerarylene. Thus, these terms do not make the claims indefinite.

2. Applicants do not agree the phrase “one CH₂ may be substituted with S or O” is unclear. However, to expedite prosecution, this phrase is changed to “one CH₂ may be replaced with S or O” as suggested by the Office Action. Thus, this rejection is believed to be overcome.

3. While Applicants do not agree that claim 11 needs a carrier, a carrier has been added to expedite prosecution. Thus, this rejection is believed to be overcome.

4. Applicants do not agree that the terms “organic acid functional group,” “tetrazolyl functional group,” “organic,” or “ether” is unclear. However, to expedite prosecution, these terms have been removed from claim 1. Thus, this rejection is believed to be overcome.

5. Claims 1-12 were rejected as indefinite for use of the term “comprising” before a chemical formula. While Applicants disagree, “comprising” has been replaced with “represented by a formula” to expedite prosecution. Thus, this rejection is believed to be overcome.

Claim 12 was rejected as allegedly being indefinite. While Applicants disagree, the claim has been cancelled. Thus, this rejection is now moot.

Claims 7-9 were rejected as allegedly being indefinite and/or not enabled. While Applicants disagree, the claims have been amended to expedite prosecution. Specifically, the chiral bond at the lactam N has been amended so that stereochemistry is not indicated. Thus, this rejection is believed to be overcome.

¹ MPEP 2173.02, citing *Morton Int'l, Inc. v. Cardinal Chem. Co.*, 5 F.3d 1464, 1470, 28 USPQ2d 1190, 1195 (Fed. Cir. 1993).

Claims 1-11 were rejected because the term “metabolites” is allegedly indefinite and/or not enabled. While, Applicants disagree, this term has been removed from the claims to expedite prosecution. Thus, this rejection is believed to be overcome.

Double Patenting

Claims 1-12 are provisionally rejected under nonstatutory double patenting over claim 3 of copending Application No. 12/395,813. Applicants checked the file history of Application No. 12/395,813, and according to PAIR, claim 3 of the ‘813 application was cancelled in a February 6, 2012 amendment. Thus, Applicants believe that since the Office Action, this rejection has become moot.

Conclusion

Reconsideration of this Application is respectfully requested. In the event any issues remain the Examiner is invited to contact the undersigned so that a prompt disposition of this application can be achieved.

Applicants respectfully request that a timely Notice of Allowance be issued in this case. The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 01-0885.

Respectfully submitted,

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